

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Fidel Mariaca-Garcia, individually and on behalf of other
similarly situated employees, Plaintiff
v.
Amanda Enterprise, Inc. dba Angelo's Wine Bar, Defendant

Case No. 1:17-cv-02047
Honorable John Robert Blakey

**MOTION FOR COURT APPROVAL OF SETTLEMENT
AND DISMISSAL OF PLAINTIFF'S CLAIMS**

NOW COMES the Plaintiff through counsel, and moves the Court to approve the settlement entered between Defendants and Plaintiff ("parties") and submitted to the Court for *in camera* inspection. In support of the motion, the Plaintiff states:

1. On March 15, 2017, Plaintiff filed a Complaint in the United States District Court for the Northern District of Illinois, Eastern Division (the "Court") against Defendants alleging violations of the Fair Labor Standards Act ("FLSA") and the Illinois Minimum Wage Law ("IMWL").
2. Following negotiations, the parties have reached a mutually satisfactory settlement.
3. When an employee asserts a claim against his employer or former employer for wages under the FLSA or IMWL, any settlement of that claim requires a court to review the settlement for fairness. *Walton v. United Consumers Club, Inc.*, 786 F.2d 303, 306 (7th Cir. 1986) (FLSA); *Lewis v. Giordano's Enters., Inc.*, 921 N.E.2d 740, 751 (1st Dist. 2009) (IMWL).
4. The Settlement Agreement and Release (the "Agreement") entered into between the parties will be submitted to the Court for *in camera* inspection.
5. The parties request the Court approve the Agreement because it is a fair and reasonable resolution of bona fide disputes between the parties.

6. Upon approval of the Agreement, the parties further request the dismissal of Plaintiff's claims without prejudice that will become with prejudice within forty-five (45) days, absent a motion to enforce the Parties' settlement of this matter, and with each party to bear his or its own attorneys' fees and costs except as otherwise agreed.

WHEREFORE, for the foregoing reasons, the parties respectfully request that this Court enter an Order approving the Agreement as a fair and reasonable resolution of bona fide disputes between the parties, and dismiss the instant matter with prejudice forty-five (45) days after entry of the court's order, absent a motion to enforce the Parties' settlement of this matter, and with each party to bear his or its own attorneys' fees and costs except as otherwise agreed.

Respectfully submitted on Monday, May 15, 2017.

s/ Valentin T. Narvaez

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